

**ZOAM-2007-0003, PLANNED DEVELOPMENT – MIXED USE BUSINESS ZONING DISTRICT  
ISSUES FOR DISCUSSION AT PLANNING COMMISSION WORK SESSION**

October 22, 2007

Page 1

No.	ISSUE DESCRIPTION	RAISED BY	STAFF & CONSULTANT COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
1	<b>MINIMUM DISTRICT SIZE (Section 4-1352)</b> - The proposed 25 acre minimum size for the PD-MUB district has been identified as an issue by stakeholders in the Route 50 area (Section 4-1352). There is a concern that the minimum size will prevent the numerous lots that are less than 25 acres in the Route 50 corridor from being able to remap to the new district.	Larry Lehman (M.C. Dean) Bob Hess Gary Shafer and Lou Canonico (Christopher Consultants) Other CLI Stakeholders	<p>AKRF and County Staff believe that 25 acres is the minimum area needed to provide the mix of uses that are being required to achieve the policies of the planned Business land use in the Revised General Plan. The objective is for the PD-MUB district to provide for higher value development opportunities than are currently permitted in an effort to entice owners of smaller properties to consolidate land to obtain the minimum area necessary to remap to the PD-MUB district. In cases where consolidation is not feasible, the applicant could request a modification of the minimum district size requirement as part of a remapping application. Modifications are permitted for planned development zoning districts pursuant to Section 6-1504 of the Ordinance.</p> <p>At a meeting with stakeholders on August 30, it was discussed that smaller CLI parcels may not have an opportunity for consolidation. Stakeholders suggested that changes to the CLI Zoning District may be the most appropriate way to allow more development opportunities for the existing, smaller CLI zoned parcels, without having to go through an extensive rezoning application. A new development option in the CLI Zoning District that owners could request through a special exception application was discussed and is being further explored. This concept could include certain development standards and criteria contained within the policies of the Arcola Area/Route 50 Comprehensive Plan Amendment, such as no direct access to Route 50; requiring a certain mix of uses; the use of architectural guidelines; parking location requirements; etc. In return, incentives for these smaller parcels could include increased building height; reduced setbacks; increased FAR; and the ability to apply for a comprehensive sign plan. Changes to the CLI would require a separate Ordinance amendment.</p>	<ol style="list-style-type: none"><li>1. Maintain the minimum 25 acre district size; or</li><li>2. Reduce the minimum district size to ____ acres.</li></ol>

**ZOAM-2007-0003, PLANNED DEVELOPMENT – MIXED USE BUSINESS ZONING DISTRICT  
ISSUES FOR DISCUSSION AT PLANNING COMMISSION WORK SESSION**

October 22, 2007

Page 2

ATTACHMENT 6

A6-2

No.	ISSUE DESCRIPTION	RAISED BY	STAFF & CONSULTANT COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
2	<b>MINIMUM SIZE OF CONTIGUOUS ADDITIONS (Section 4-1352)</b> – Commissioner Ruedisueli recommends that contiguous additions of any size should be permitted, rather than the currently proposed minimum of 5 acres. Thomas McKay, in his Memo dated September 5, 2007, stated that contiguous additions to existing districts should not be permitted, as he believes a better project will result when a district is planned at the same time. Mr. McKay also noted concerns of coordinating proffers and development phasing with such additions.	Commissioner Ruedisueli Thomas McKay	Staff and AKRF maintain that requiring a minimum contiguous addition of five acres will better ensure that the addition will provide a meaningful and logical extension of the concept development plan that was originally approved by the Board. If a "sliver " situation arises, the Applicant would have the ability to request and justify a zoning ordinance modification to the size limitation.	1. Maintain the minimum 5 acres for contiguous additions to the PD-MUB district, or 2. Reduce the minimum size for contiguous additions to ____ acres.
3	<b>SHOULD SINGLE FAMILY ATTACHED DWELLINGS BE PERMITTED FOR PD-MUB DISTRICTS THAT ARE GREATER THAN 50 ACRES (Section 4-1353)?</b> –	Lou Canonico	The current draft allows single family attached dwelling units with special exception approval. Staff and AKRF believe that in most cases involving a mixed use business development, single family attached units are not appropriate. However, it is acknowledged that such units may be appropriate given the size of the district and the specific design and scale of the units proposed. Therefore, it is recommended that single family attach units remain a special exception use in order to review proposals on a case-by case basis.	1. Maintain the current Ordinance to allow single family attached dwellings with special exception approval, or 2. Revise Section 4-1353 to add single family attached dwellings to the list of permitted uses and revise Section 4-1359(D) to allow single family attached dwellings as an incentive for PD-MUB districts that are a minimum of 50 acres in size.
4	<b>SHOULD ADDITIONAL USES GEARED TOWARDS SENIOR CITIZENS, SUCH AS ASSISTED LIVING OR NURSING HOME BE PERMITTED IN THE PD-MUB DISTRICT (Section 4-1353)?</b> – Is the PD-MUB district appropriate for such uses?	Commissioner Lewis	The Zoning Ordinance includes the use “continuing care facility”, which by definition includes: “congregate living facility, adult assisted living, and nursing home”. This use is most commonly permitted by special exception approval in the zoning districts that are predominantly residential. Seeing as how the proposed PD-MUB district is predominantly a business zoning district, it is staff’s belief that such uses are not appropriate for the PD-MUB district.	1. Do not include continuing care facilities in the list of permitted or special exception uses, or 2. Include “continuing care facilities” in the list of special exception uses.

ZOAM-2007-0003, PLANNED DEVELOPMENT – MIXED USE BUSINESS ZONING DISTRICT  
ISSUES FOR DISCUSSION AT PLANNING COMMISSION WORK SESSION

October 22, 2007

Page 3

No.	ISSUE DESCRIPTION	RAISED BY	STAFF & CONSULTANT COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
5	<b>MINIMUM USE PERCENTAGES (Section 4-1355(A))</b> - There is a stakeholder concern regarding the required minimum percentages proposed for the various land uses in the district, as well as a concern that the minimum use percentages cannot be modified (Section 4-1355(A)). These concerns relate to the predominantly smaller, existing parcels along the Route 50 corridor, where it is believed that the required use mixes will not be feasible. Specifically, concerns have been raised that the minimum 40% (now 50%) requirement for employment uses is too high; that additional retail should be permitted; and that residential uses may not always be feasible.	Larry Lehman (M.C. Dean) Thomas McKay	<p>AKRF and County Staff believe that the minimum percentage of employment uses proposed is necessary in order to ensure that the employment uses are the predominant use of the district. This is consistent with the Business Community policies of the <u>Revised General Plan</u>. In addition, it is also believed that some amount of residential, commercial, public/civic, and open space uses are key to the success of any mixed use district. The minimum percentages are proposed to allow an applicant to have total flexibility for 30% of the floor area of the district - to provide any use permitted in the district. AKRF and Staff believe that failing to have the proposed minimum percentages of the various uses would result in a development that is not a true mixed use business development and, therefore, would be more appropriately mapped to another zoning district.</p> <p>It is Staff's and AKRF's understanding that the main concern of the minimum use percentages is related to the fact that the smaller, CLI zoned parcels would not be large enough to accommodate all of the required minimum uses. Therefore, it is believed that proposed amendments to the CLI zoning district should address this concern.</p>	<ol style="list-style-type: none"><li>1. Maintain the minimum use percentages proposed in the revised draft dated October 22, 2007, or</li><li>2. Revise the draft to allow the minimum use percentages to be modified through the Zoning Ordinance Modification (ZMOD) process, or</li><li>3. Revise the minim use percentages as follows: Employment Uses: ____% of total floor area; Commercial Uses: ____% of total floor area; Residential Uses: ____% of total floor area Public, Civic, Institutional Uses: ____% of total floor area; Public Park and Open Space: ____% of total land area.</li></ol>

**ZOAM-2007-0003, PLANNED DEVELOPMENT – MIXED USE BUSINESS ZONING DISTRICT  
ISSUES FOR DISCUSSION AT PLANNING COMMISSION WORK SESSION**

October 22, 2007

Page 4

ATTACHMENT 6

A6-4

No.	ISSUE DESCRIPTION	RAISED BY	STAFF & CONSULTANT COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
6	<b>SHOULD EXISTING USES IN CLOSE PROXIMITY TO THE DISTRICT BE ALLOWED TO COUNT IN MEETING THE REQUIRED MINIMUM LAND USE MIX (SECTION 4-1355(A))?</b> An issue has been raised that greater flexibility be permitted for the use mix and that existing uses within a certain distance from a proposed PD-MUB district should be allowed to count towards the required use mix.	Commissioner Ruedisueli Bob Hess	<p>Staff and AKRF do not support allowing existing uses outside of the PD-MUB district to count towards meeting the minimum use percentages of the PD-MUB district. The purpose of the PD-MUB district is to create a comprehensive plan that integrates the mix of uses. It is believed that it will be more difficult to integrate the uses of an existing residential development that has been designed to work with a separate nearby development that is outside the control of the PD-MUB applicant. In addition, there is the question of deciding where you draw the line in determining how proximate the adjacent uses must be to the PD-MUB district in order to allow such uses to count in meeting the PD-MUB minimums? Also would the applicants for two different PD-MUB projects be allowed to use the same proximate uses to meet the minimum use percentages in their projects?</p> <p>It is Staff's and AKRF's understanding that the main reason for allowing existing uses to count in meeting the minimum use percentages is related to the fact that the smaller, CLI zoned parcels would not be large enough to accommodate all of the required minimum uses. Therefore, it is believed that proposed amendments to the CLI zoning district should address this concern.</p>	<ol style="list-style-type: none"><li>1. Maintain the Ordinance to require that all of the minimum use percentages be provided within the boundaries of a PD-MUB district, or</li><li>2. Revise the PD-MUB district to allow only residential uses that are contiguous to a PD-MUB district to count towards meeting the minimum percentage of residential uses, or</li><li>3. Revise the PD-MUB district to allow all uses that are contiguous to a PD-MUB district to count towards meeting the minimum use percentages.</li></ol>
7	<b>SHOULD PARKS AND OPEN SPACE BE REQUIRED TO BE UNDER THE CONTROL OF A PUBLIC ENTITY, AN HOA OR LOT OWNERS ASSOCIATION IN ORDER TO COUNT TOWARDS THE MINIMUM USE REQUIREMENT (Section 4-1355(A))?</b>	Lou Canonico	<p>Staff and the consultant do not support requiring that the parks and open space be under the control of a public entity, and HOA or lot owners association in order to count towards the minimum use requirement. The Ordinance currently allows these areas to be under private ownership.</p>	<ol style="list-style-type: none"><li>1. Maintain the Ordinance as currently written, or</li><li>2. Require that the parks and open space be under the control of a public entity, an HOA or lot owners association in order for such uses to count toward the minimum use percentages.</li></ol>

**ZOAM-2007-0003, PLANNED DEVELOPMENT – MIXED USE BUSINESS ZONING DISTRICT  
ISSUES FOR DISCUSSION AT PLANNING COMMISSION WORK SESSION**

October 22, 2007

Page 5

ATTACHMENT 6

A6-5

No.	ISSUE DESCRIPTION	RAISED BY	STAFF & CONSULTANT COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
8	<b>SHOULD THE DISTANCE FROM ON-STREET PARKING TO THE USE IT SERVES BE INCREASED FROM 400 FEET TO 800 FEET AND STILL HAVE IT COUNT TOWARDS REQUIRED PARKING (Section 4-1355(B))?</b> It has been stated that since one of the tenants of the PD-MUB is to promote a pedestrian friendly environment, and one of the elements of a pedestrian friendly environment is on-street parking, this section should be less restrictive in terms of being able to count on-street parking.	Lou Canonico	Staff and AKRF do not support increasing the distance of on-street parking from the use it serves beyond 400 feet. This distance is consistent with the other mixed use business districts. Furthermore, 400 feet is the most common block length that exists in most urban areas.	<ol style="list-style-type: none"><li>1. Maintain the distance of 400 feet for on-street parking form the use it serves, or</li><li>2. Increase the distance from on-street parking to the use it serves to 800 feet, or</li><li>3. Increase the distance of on-street parking to the use it serves to ____ feet.</li></ol>
9	<b>MAXIMUM YARDS ALONG COLLECTOR AND ARTERIAL ROADS (Section 4-1356(B)(1))</b> – There was a concern that there should be at least a minimum setback of 25 feet from major collector roads.	Gary Shafer (Christopher Consultants)	As currently proposed, Section 4-1356(B)(1) requires that yards adjacent to arterial and collector roads would be as specified in Section 5-900. This was done based on the assumption that the Board of Supervisors would approve the proposed changes in Section 5-900 with the Annual Review amendment, prior to the adoption of the PD-MUB amendment. As recently approved, and as will become effective on December 3, 2007, Section 5-900 requires a 100 foot building setback and a 75 foot parking setback from arterial roads and a 75 foot building setback and a 35 foot parking setback from collector roads. Staff and AKRF recommend maintaining these setbacks.	<ol style="list-style-type: none"><li>1. Maintain the current building and parking setbacks from arterials and collector roads, or</li><li>2. Revise the building and parking setbacks from arterial roads to ____ feet, and or</li><li>3. Revise the building and parking setbacks from collector roads to ____ feet.</li></ol>
10	<b>SHOULD THERE BE A MINIMUM RESIDENTIAL DENSITY OF 8 DWELLING UNITS PER ACRE, IN ADDITION TO THE MAXIMUM PROPOSED DENSITY OF 16 UNITS PER ACRE (Section 4-1357(B))?</b>	Staff	In order to be consistent with the density policies of the Revised General Plan, and to ensure that the PD-MUB district develop with a compact mix of uses with higher density residential uses, Staff recommends that a minimum density requirement of 8 dwelling units per acre be added, in addition to the currently proposed maximum residential density of 16 units per acre.	<ol style="list-style-type: none"><li>1. Add a minimum residential density of 8 dwelling units per acre, or</li><li>2. Maintain only a maximum residential density.</li></ol>
11	<b>A COPREHENSIVE MARKET LOCATION AND NEEDS ANALYSIS</b> – Should the County complete a comprehensive market location and needs analysis of proposed non-residential uses prior to remapping land to the PD-MUB district that is currently exclusively planned or zoned for employment uses?	Ed Gorski (PEC)	Staff and AKRF believe that the current zoning ordinance criterion for the review of zoning map amendment applications, as well as the current policies of the Revised General Plan are adequate in addressing this concern.	

**ZOAM-2007-0003, PLANNED DEVELOPMENT – MIXED USE BUSINESS ZONING DISTRICT  
ISSUES FOR DISCUSSION AT PLANNING COMMISSION WORK SESSION**

October 22, 2007  
Page 6

No.	ISSUE DESCRIPTION	RAISED BY	STAFF & CONSULTANT COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
12	<b>SHOULD THE ORDINANCE BE REWRITTEN AS A FORM BASED ZONING CODE?</b> Disappointment was expressed that the County did not introduce a form based zoning code, rather than the Euclidean zoning code requirements which hamper design creativity and could result in restricting the achievement of the ultimate goals envisioned for the mixed use business district.	Lou Canonico	AKRF’s charge at the outset of this assignment was not to create a form based code. Rather, their charge was to develop a flexible district that could be adapted to different site conditions. The district was written with development standards intended to reflect the purpose and intent of the district, which is to encourage a compact pedestrian-oriented mix of uses that are in close proximity in order to create an attractive environment in which to live, work and play.	1. Maintain the format of the proposed PD-MUB Zoning District, or 2. Direct Staff to rewrite the PD-MUB district using a form based zoning code format.
13	<b>TIMING OF PD-MUB AMENDMENTS IN RELATION TO AMENDMENTS TO THE CLI ZONING DISTRICT</b> – Commissioner Hsu recommended that the amendments to the CLI Zoning District should be considered at the same time as the amendments for the PD-MUB Zoning District, as the districts would need to work together. However, some of the CLI stakeholders have supported the PD-MUB amendment moving forward, with the CLI amendments moving forward as soon as possible.	Commissioner Hsu	Staff recommends that the PD-MUB amendment move forward as soon as possible. The PD-MUB district is proposed to be a district that can be used throughout the Suburban Area of the County where appropriate, and will not be limited to properties that are currently zoned CLI. While staff agrees that the CLI amendments should be prepared to work together with the PD-MUB, staff does not feel that the PD-MUB should be delayed.	1. Send the PD-MUB amendment forward to the Board of Supervisors at this time, or 2. Hold the PD-MUB amendment back until such time as amendments to the CLI zoning district are drafted and can be reviewed concurrently with the PD-MUB amendment.